



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

July 28, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON THE LIVING SUITE ORDINANCE
PROJECT NO. R2014-02159-(1-5)
ADVANCE PLANNING CASE NO. 201400007-(1-5)
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

The recommended action is to approve an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations pertaining to living suites. The ordinance would allow a developer to request dwelling units (including single-family residences, townhomes, duplexes, and multi-family residences) with living suites as part of a Conditional Use Permit (CUP) application to establish a new planned community in the Residential Planned Development (RPD) Zone.

IT IS RECOMMENDED THAT THE BOARD, AFTER THE PUBLIC HEARING:

1. Find that the adoption of the ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines;
2. Approve the recommendation of the Regional Planning Commission (RPC) to amend Title 22 (Planning and Zoning) of the Los Angeles Code, as reflected in the draft ordinance; and
3. Instruct County Counsel to prepare the final ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code as recommended by the RPC and to submit the final ordinance to the Board for its consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Living Suite Concept

A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite includes a living room with a kitchen, a bathroom, and one or more bedrooms. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also include a separate exterior entrance. Please see Attachment 1 for two examples of a single-family residence with a living suite and one example of a multi-family residence with a living suite.

Over the last several years, national and regional homebuilders have constructed dwelling units with living suites. For example, Lennar builds and markets these units as "Next Gen: The Home Within a Home" and D.R. Horton builds and markets these units as "Home Share: Two Households. One Home." The homebuilders have found these units to be popular with homebuyers, especially multi-generational families who need flexible living arrangements. Living suites are likely to become more popular as demographic trends make multi-generational families more common. According to a recent analysis of U.S. Census data by the Pew Research Center, 18.1% of the U.S. population lived in multi-generational households in 2012.¹

Developers are interested in constructing dwelling units with living suites in the unincorporated communities of Los Angeles County. However, the Los Angeles County Zoning Code (Zoning Code) does not allow living suites because Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen.

Initiation of Proposed Ordinance

The Los Angeles/Ventura Chapter of the Building Industry Association of Southern California (BIA) asked the Department of Regional Planning (Department) to investigate the living suite concept and to develop a regulatory framework that would allow dwelling units with living suites. The Department met with the BIA in May 2014 to discuss this matter. The Department acknowledged the growing market demand for dwelling units with living suites as well as the demographic changes that are making multi-generational families more common. However, the Department recommended limiting dwelling units with living suites to new planned communities in the RPD Zone, which already require a CUP. The CUP process would ensure that dwelling units with living suites are consistent with community character and are provided with sufficient services and infrastructure.

¹ <http://www.pewsocialtrends.org/2014/07/17/in-post-recession-era-young-adults-drive-continuing-rise-in-multi-generational-living/>

On September 10, 2014, in accordance with the Department's recommendation, the RPC initiated public hearings to consider an ordinance amending the Zoning Code to allow dwelling units with living suites as part of a CUP to establish a new planned community in the RPD Zone.

Proposed Ordinance

The proposed ordinance (Attachment 6) would amend five Sections of the Zoning Code, as follows:

- 1) The definition of "dwelling unit" in Section 22.08.040 of the Zoning Code would be amended to state that a dwelling unit can only have one kitchen or one kitchen and one living suite. The definition would also be amended to state that a living suite is not considered to be a separate dwelling unit.
- 2) A definition of "living suite" with a series of five criteria, including size limitations and the requirement of an interior connection to the remainder of the dwelling unit, would be added to Section 22.08.120 of the Zoning Code. The definition would state that a living suite meeting all five criteria is not considered to be a separate dwelling unit.
- 3) Section 22.20.460 of the Zoning Code would be amended to allow any dwelling unit (including single-family residences, townhomes, duplexes, and multi-family residences) in a new planned residential development to have a living suite if approved as part of the CUP authorizing the new planned residential development after the effective date of the proposed ordinance. This Section would also be amended to prohibit the establishment of a second unit on a lot in a planned residential development where a dwelling unit containing a living suite has been previously approved and constructed.
- 4) Section 22.52.1180 of the Zoning Code would be amended to require one additional off-street parking space if a dwelling unit contains a living suite and has five or more bedrooms, including any bedrooms within the living suite.
- 5) Section 22.52.1740 of the Zoning Code would be amended to prohibit the establishment of a second unit on a lot in a planned residential development where a dwelling unit containing a living suite has been previously approved and constructed.

Existing RPD Zones within unincorporated Los Angeles County are either already developed or the subject of pending CUP applications to establish new planned communities. Therefore, in order to use the provisions of this ordinance, a developer

would either need to amend a pending CUP application or file a new application for a Zone Change to the RPD Zone and a CUP to establish a new planned community within that zone. In either instance, the application will need to specify the number and location of requested dwelling units with living suites and the CUP will require a public hearing and project-level environmental review.

Relationship to Second Units and Guest Houses

Living suites and second units are different housing products. A second unit is a completely separate residence which may be detached from the other residence on the same lot. If a second unit is attached to the other residence on the same lot, it is not required to maintain an interior connection to the other residence. In addition, a second unit has a separate street address, a separate electrical meter, and is intended to be rented to a separate household. By contrast, a living suite is not a separate residence, cannot be detached from the remainder of the residence, and must maintain an interior connection to the remainder of the residence. In addition, a living suite does not have a separate address or a separate electrical meter. The Zoning Code states that rooms in a single-family residence may be rented to four or fewer persons, with or without table board, so the Zoning Code does not prohibit rental of a living suite to a separate household. However, developers typically include a rental restriction in the planned community's Covenants, Conditions, and Restrictions (CC&Rs).

The Zoning Code also allows "detached living quarters," more commonly known as guest houses. A guest house and a living suite are similar in that both types of uses can accommodate temporary guests. However, there are also substantial distinctions between a guest house and a living suite. A guest house must be located in an accessory structure that is detached from a residence on the same lot, whereas a living suite cannot be located in an accessory structure and must maintain an interior connection to the remainder of the residence. In addition, a guest house cannot have a kitchen, whereas a living suite may have a kitchen.

The Zoning Code does not allow a second unit to be established on a lot where detached living quarters have already been established. The Department recommends that this policy be extended to lots where residences with living suites have already been established. Therefore, the proposed ordinance includes provisions that would not allow a second unit to be established on a lot where a residence with a living suite has already been established. Government Code Section 65852.2(c) states, "No local agency shall adopt an ordinance which totally precludes second units within single-family or multi-family zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multi-family

zoned areas justify adopting the ordinance.” The proposed ordinance does not totally preclude second units within the RPD Zone. While the proposed ordinance would preclude second units on lots where residences with living suites have already been established, the intent of the proposed ordinance is to increase housing opportunities in the region by allowing a new housing product type that is desired by the housing market, especially multi-generational families. The proposed ordinance would allow developers to decide whether to design dwelling units with living suites or to use existing provisions to develop second units. In addition, a living suite and a second unit have similar impacts pertaining to water supply, sewage disposal, and traffic. As previously noted, the proposed restriction is similar to an existing Zoning Code provision that precludes second units on lots where detached living quarters, which also have similar impacts, have already been established. Therefore, the findings required by Government Code Section 65852.2 are not required.

General Plan Consistency

The proposed ordinance is consistent with the adopted Los Angeles County General Plan. Specifically, the proposed ordinance supports the following policies and goal:

- **General Policy 43:** Promote a balanced mix of dwelling unit types to meet present and future needs, with emphasis on family owned, moderate density dwelling units (townhomes, townhouses and garden condominiums at garden apartment densities).
- **General Policy 47:** Promote the provision of an adequate supply of housing by location, type and price.
- **Housing Element Goal 1:** A wide range of housing types in sufficient supply to meet the needs of current and future residents, particularly for persons with special needs, including but not limited to low income households, seniors, persons with disabilities, large households, single-parent households, the homeless and at risk of homelessness, and farm workers.

Implementation of Strategic Plan Goals

The recommended action supports the second goal of the County Strategic Plan, which is to enrich lives of County residents by providing enhanced services and effectively planning and responding to economic, social, and environmental challenges. The proposed ordinance will increase housing opportunities in the region by allowing dwelling units with living suites, a new housing type that is responsive to demographic trends and desired by the housing market, especially multi-generational families. The CUP process will ensure that dwelling units with living suites in new planned communities are consistent with community character and are provided with sufficient services and infrastructure.

FISCAL IMPACT/FINANCING

The recommended action will not result in any new significant costs to the County because developers will be required to pay fees to cover County costs associated with the processing of CUP applications.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On February 25, 2015, the RPC held a duly-noticed public hearing to consider the proposed ordinance. The RPC voted 4-0 to recommend that the Board conduct a public hearing and adopt the proposed ordinance. Please see Attachment 3 for a summary of the RPC proceedings. During the proceedings, County Counsel stated that the final ordinance may include revisions, such as removal of proposed modifications to the definition of "dwelling unit" in Section 22.08.040 of the Zoning Code, to further clarify the intent and applicability. The recommended action will allow County Counsel to make these revisions before the final ordinance is submitted to the Board for its consideration.

A public hearing is required pursuant to Section 22.16.200 of the Zoning Code and Section 65856 of the Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.60.174 of the Zoning Code. These procedures exceed the minimum standards of Sections 6061, 65090, and 65856 of the Government Code pertaining to public hearing noticing.

ENVIRONMENTAL DOCUMENTATION

Adoption of the proposed ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the proposed ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time.

This determination is supported by the following analysis:

The proposed ordinance does not propose or authorize any development. The proposed ordinance is not a development project and does not authorize any additional "by right" uses. The development of dwelling units with living suites in accordance with the proposed ordinance will require a subsequent CUP. Therefore, the proposed ordinance will not result in any direct physical change to the environment.

The number, location, specific characteristics and environmental impacts of CUP requests for new planned communities are reasonably unforeseeable at this time.

There may be indirect physical changes to the environment in conjunction with the subsequent development of new planned communities in the RPD Zone. Section 22.20.460 of the Zoning Code requires a CUP for new planned communities in the RPD Zone and the proposed ordinance will not change this requirement. At this time, the number, location, specific characteristics and environmental impacts of CUP requests are reasonably unforeseeable due to the following factors:

- Existing RPD Zones are developed pursuant to previously approved CUPs for planned communities or are undeveloped with pending CUPs for new planned communities;
- Future RPD Zones can be established in any land use designation that allows residential zones; and
- The RPD Zone allows a wide range of residential uses with a CUP.

The number, location, and specific characteristics of future CUP requests will largely depend on economic market factors. The environmental impacts of future CUP requests will depend on the characteristics of the location that is the subject of such requests. For example, the environmental impacts of an “infill” planned community in an urbanized area will be different than the environmental impacts of a “greenfield” planned community in an undeveloped area. Therefore, any attempt to analyze indirect physical changes would be speculative.

A new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites. There may be indirect physical changes to the environment in conjunction with the subsequent development of new planned communities in the RPD Zone. Section 22.20.460 of the Zoning Code requires a CUP for new planned communities in the RPD Zone and the proposed ordinance will not change this requirement. A CUP is a discretionary action that requires project-level CEQA review. The proposed ordinance, which allows new planned communities in the RPD Zone to include dwelling units with living suites provided that a CUP is obtained, does not eliminate the need for project-level CEQA review.

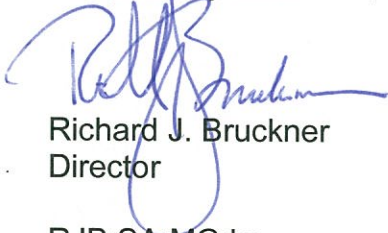
The proposed ordinance does not involve any commitment to any specific project that may have a significant effect on the environment. Future CUP requests will require project-level CEQA review to determine potential environmental impacts. The ordinance does not preclude the County from denying a future CUP request that may have significant effect on the environment.

IMPACT ON CURRENT SERVICES OR PROJECTS

The recommended action will not result in any negative impacts on current services or projects. As previously noted, developers will be required to pay fees to cover County costs associated with the processing of CUP applications.

Should you have any questions, please contact Mitch Glaser at (213) 974-4971 or mglaser@planning.lacounty.gov between 7:30 a.m. and 5:30 p.m., Monday through Thursday.

Respectfully submitted,



Richard J. Bruckner
Director

RJB:SA:MG:lm

Attachments:

1. Examples of Living Suites
2. Project Summary
3. Summary of RPC Proceedings
4. RPC Hearing Package
5. RPC Resolution
6. Recommended Ordinance for Board Adoption
7. Board Notice of Public Hearing

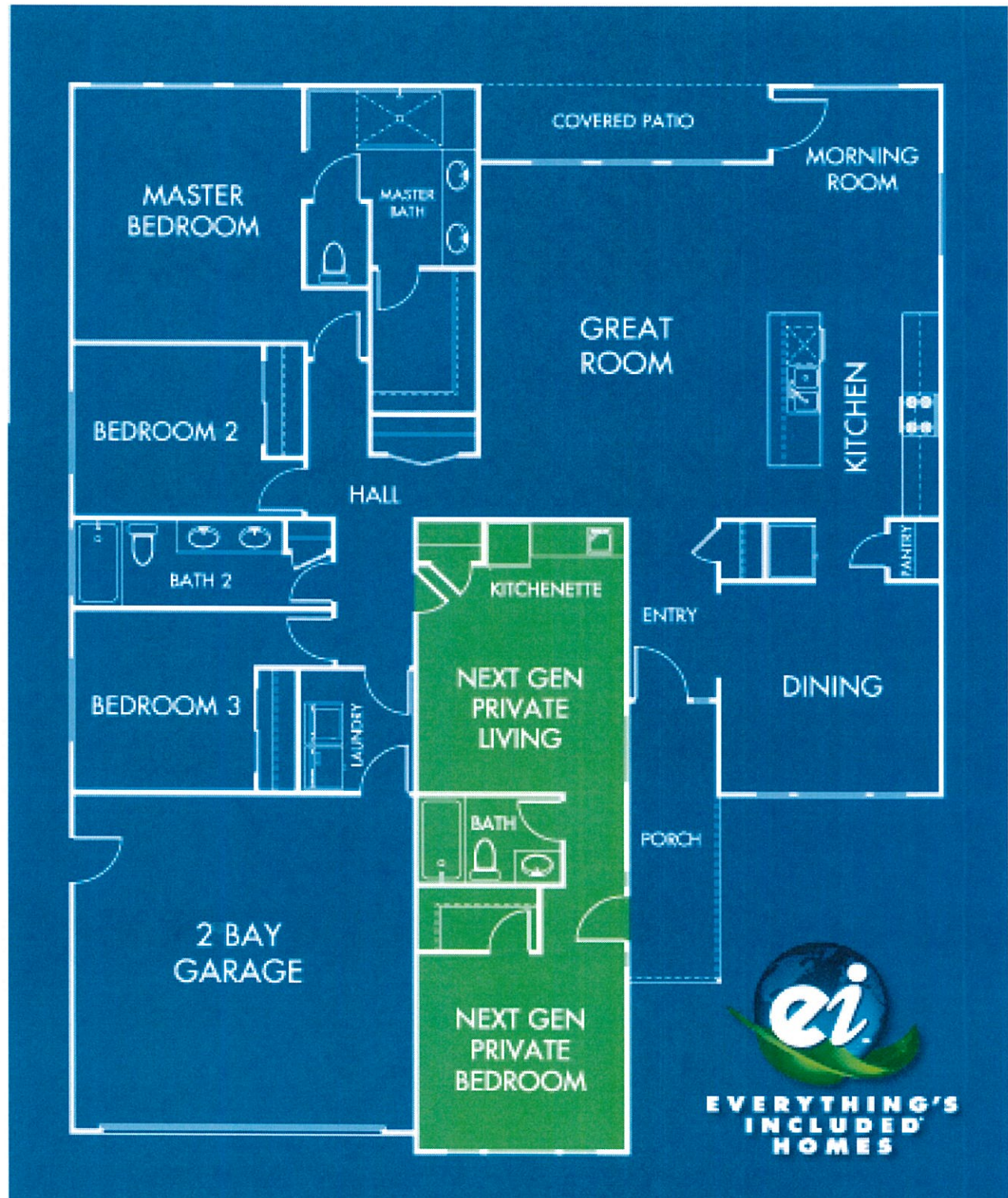
c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office (R. Goff, A. Baker)
County Counsel
Public Works

ATTACHMENT 1

Examples of Living Suites

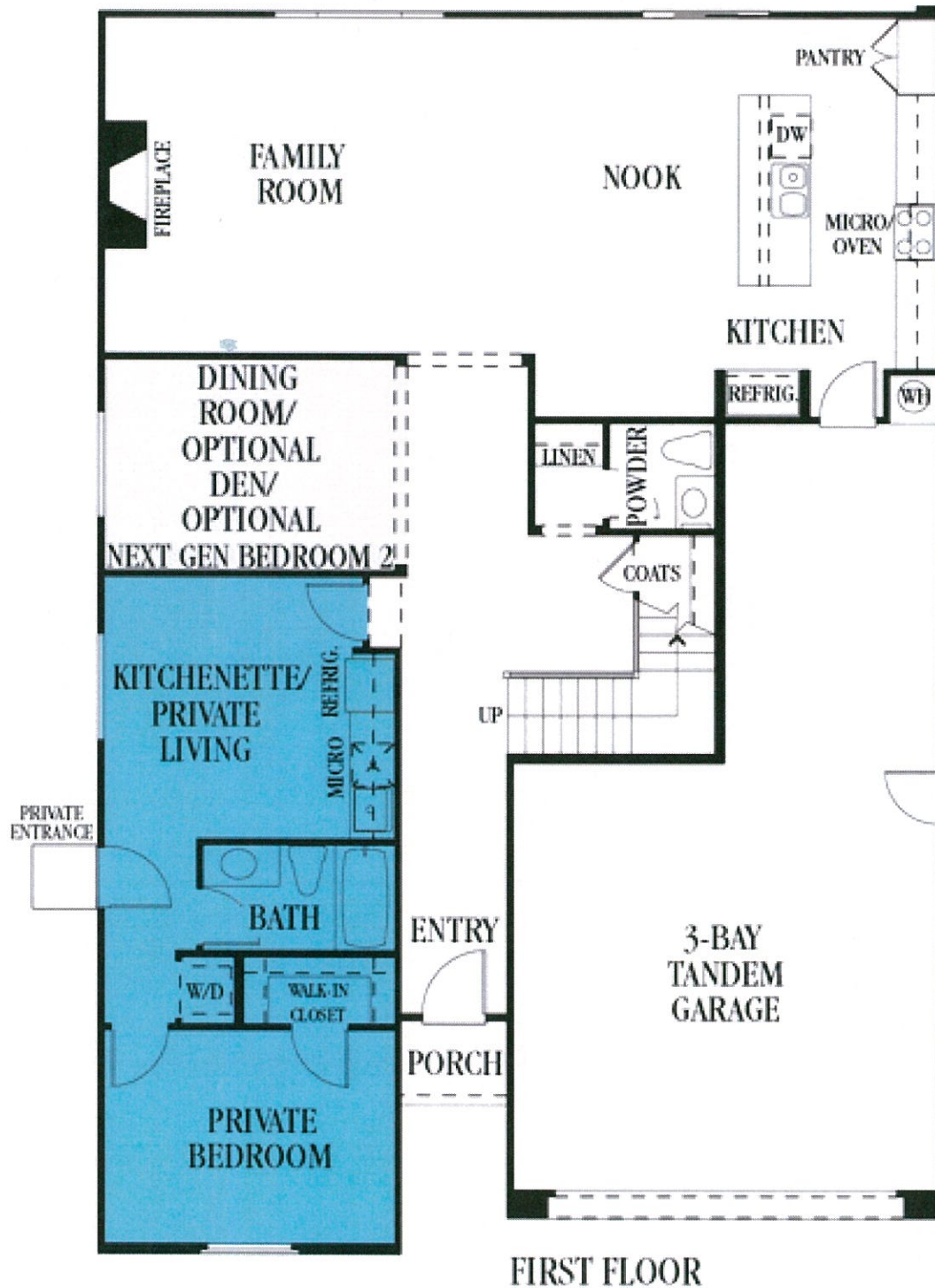
Example 1 – Single-Family Residence

Living Suite is green shaded area



Example 2 – Single-Family Residence

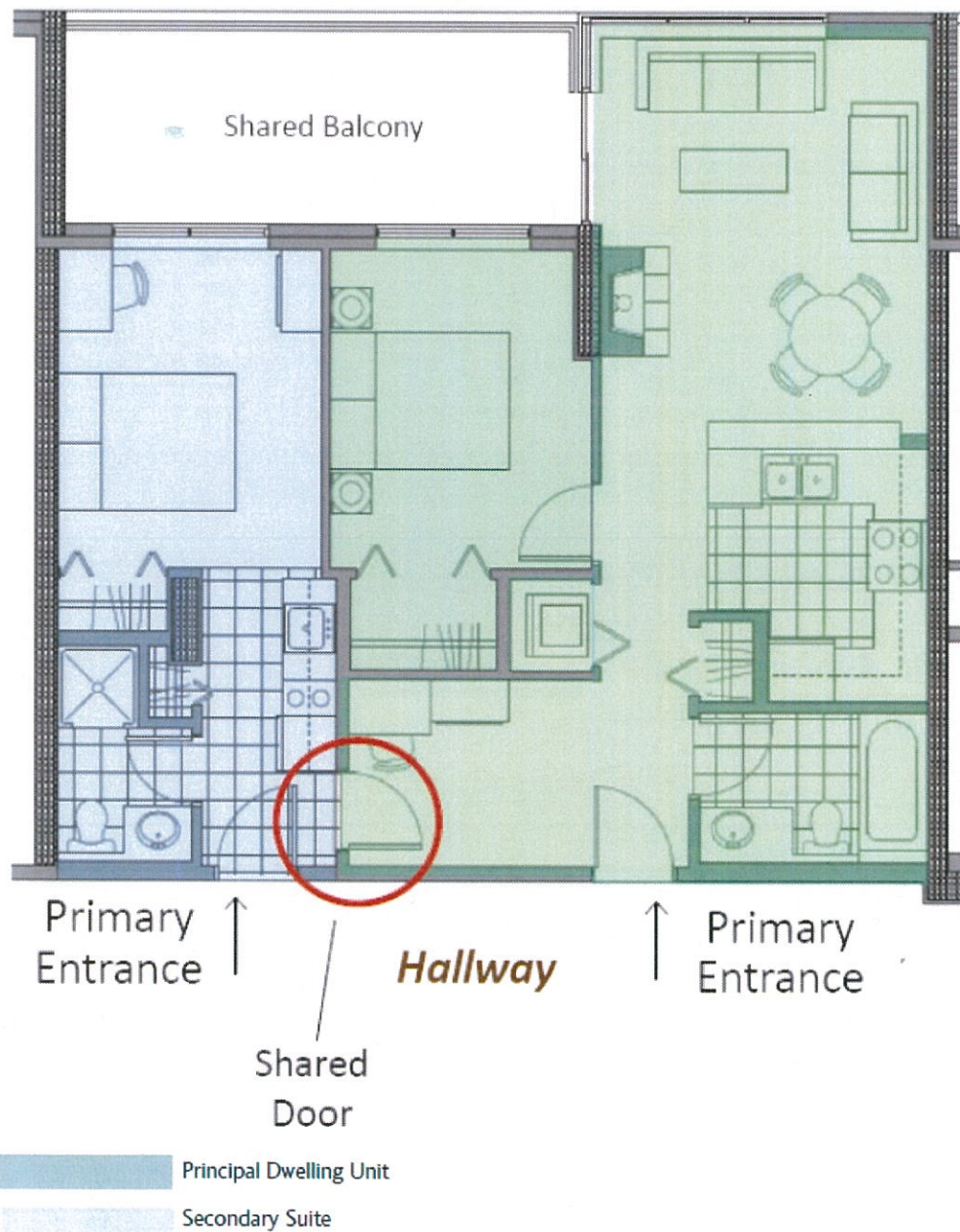
Living Suite is blue shaded area



Example 3 – Multi-Family Residence

Living Suite is blue shaded area

Example: Secondary Suite within Apartment
(Novo 1 unit from UniverCity at SFU)



ATTACHMENT 2

Project Summary

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
Project Summary
Page 1 of 2

PROJECT DESCRIPTION Living Suite Ordinance

REQUEST Approval of the proposed amendments to Title 22.

LOCATIONS Unincorporated areas of all five Supervisorial Districts

STAFF CONTACT Mitch Glaser, AICP
Assistant Administrator, Current Planning Division
(213) 974-4971, mglaser@planning.lacounty.gov

RPC HEARING DATE July 28, 2015

RPC RECOMMENDATION Board of Supervisors public hearing to consider adoption of the ordinance amendment.

MEMBERS VOTING AYE Commissioners Valadez, Louie, Pedersen , Modugno

MEMBERS VOTING NAY None

MEMBERS ABSENT None

MEMBERS ABSTAINING None

KEY ISSUES A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also include a separate exterior entrance. Developers are interested in constructing dwelling units with living suites in the unincorporated communities of Los Angeles County. However, the Los Angeles County Zoning Code (Zoning Code) does not allow living suites because Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen.

The proposed ordinance would amend five Sections of the Zoning Code, as follows:

- The definition of “dwelling unit” in Section 22.08.040 would be amended;
- A definition of “living suite” with a series of five criteria would be added to Section 22.08.120;
- Section 22.20.460 would be amended to allow any dwelling unit in a new planned residential development to have a living suite if approved as part of the Conditional Use Permit (CUP) authorizing the new planned residential development after the effective date of the proposed ordinance;
- Section 22.52.1180 would be amended to require one additional off-street parking space if a dwelling unit

**COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
Project Summary
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contains a living suite and the has five or more bedrooms, including any bedrooms within the living suite; and

- Section 22.52.170 would be amended to prohibit the establishment of a second unit on a lot in a planned residential development where a dwelling unit containing a living suite has been previously approved and constructed.

**MAJOR POINTS IN
SUPPORT**

Developers have found dwelling units with living suites to be popular with homebuyers, especially multi-generational families who need flexible living arrangements. Living suites are likely to become more popular as demographic trends make multi-generational families more common.

The proposed ordinance will increase housing opportunities in the region by allowing dwelling units with living suites, a new housing type that is responsive to demographic trends and desired by the housing market, especially multi-generational families.

The proposed ordinance does not authorize any “by right” development. Dwelling units with living suites will need to be approved as part of a CUP for a new planned residential development. The CUP process will ensure these dwelling units are consistent with community character and are provided with sufficient services and infrastructure.

MAJOR POINT AGAINST None

ATTACHMENT 3

Summary of RPC Proceedings

REGIONAL PLANNING COMMISSION
Summary of Public Hearing Procedures
Page 1 of 2

Living Suite Ordinance
Project No. R2014-2159-(1-5)
Advance Planning Case No. 201400007-(1-5)

The Regional Planning Commission (Commission) conducted a public hearing on February 25, 2015, at 9:00 a.m. to consider the proposed Living Suite Ordinance, an amendment to Title 22 (Planning and Zoning) of the Los Angeles County Code.

The staff presentation included a description of the living suite concept, a discussion of the differences between a living suite and a second unit, and an explanation of the proposed ordinance provisions. A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite typically includes a living room with a kitchen, a bathroom, and one or more bedrooms. A living suite includes an interior connection, such as a door, to the remainder to the residence and may also include a separate exterior entrance. Living suites are currently prohibited by the Los Angeles County Code. A second unit is considered a separate dwelling unit, has a separate street address and a separate electrical meter, and is intended to be rented to another household. By contrast, a living suite is not considered a separate unit, does not have a separate street address or a separate electrical meter, and is not intended to be rented to another household. The proposed ordinance would create a definition of "living suite" with a series of five criteria; a living suite meeting all five criteria would not be considered a separate dwelling unit. The proposed ordinance would allow a living suite to be provided in any dwelling unit within a new planned community in the Residential Planned Development (RPD) Zone if a Conditional Use Permit (CUP) is obtained. The CUP requirement ensures that the new planned community is subject to a public hearing and project-level environmental review. The proposed ordinance would require one additional off-street parking space for a dwelling unit which contains a living suite if the dwelling unit has five or more bedrooms, including any bedrooms within the living suite. Lastly, the proposed ordinance would prohibit the establishment of a second unit on a lot where a dwelling unit containing a living suite has been constructed.

After the staff presentation, four speakers provided testimony to the Commission. The speakers were concerned about the applicability of the proposed ordinance to Marina del Rey, including the previously approved Oceana development within that community. Staff clarified that the proposed ordinance would not apply to Marina del Rey, as it is not located in an RPD Zone. Staff also clarified that the proposed ordinance would not apply to previously approved developments and would only apply to new CUPs for planned communities that will be considered after the proposed ordinance is adopted. Commissioner Modugno noted that a project within Marina del Rey was also on the Commission agenda, that the testifiers likely attended the Commission meeting to provide testimony for that item, and that some of the testimony was not directly related to the proposed ordinance. Deputy County Counsel Joseph Nicchitta stated that the final version of the ordinance may include revisions, such as removal of proposed

REGIONAL PLANNING COMMISSION
Summary of Public Hearing Procedures
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modifications to the definition of "dwelling unit" in Section 22.08.040, to further clarify the intent and applicability.

After the testimony, Commissioner Modugno asked if the proposed ordinance would only allow living suites within single-family residences. Staff responded that the proposed ordinance would allow living suites within other types of dwelling units, such as duplexes and multi-family residences, provided they were authorized by a CUP. Commissioner Valadez asked if the proposed ordinance could be used in Transit Oriented Districts (TODs). Staff responded that a developer could identify a site for a new planned community within a TOD, apply for a Zone Change to the RPD Zone, and then apply for a CUP to authorize a new planned community that includes dwelling units with living suites. The Commissioners then discussed whether it would appropriate to limit the proposed ordinance to single-family residences. Commissioner Modugno noted that staff's presentation only included examples of single-family residences with living suites. Staff acknowledged that it had not seen examples of other dwelling units, such as multi-family residences, with living suites but that the development community desired the ability to request such units in the future. Commissioner Valadez stated that she felt the ordinance should remain flexible to allow living suites in a variety of housing types as the market continues to evolve. Commissioner Pedersen asked for clarification on the process and whether dwelling units with living suites would always require a CUP. Staff responded that dwelling units, whether single-family or multi-family, with living suites would require a CUP and that the proposed ordinance did not authorize any "by right" development. Staff also noted that the CUP application would include a site plan to show the proposed configuration of dwelling units with living suites, that each CUP would be judged by the Commission on its own merits, and that the Commission would retain full discretion as to whether to approve dwelling units with living suites on a project-by-project basis.

There being no further testimony, the Commission closed the public hearing and recommended that the Board of Supervisors conduct a public hearing and adopt the proposed ordinance. Commissioner Modugno advised staff that the Board of Supervisors staff report should clarify the proposed ordinance's applicability to all housing types and include an example of a multi-family residence with a living suite.

VOTE:

Concurring: Commissioners Valadez, Louie, Pedersen, and Modugno

Dissenting: None

Abstaining: None

Absent: None

Action Date: February 25, 2015

ATTACHMENT 4
RPC Hearing Package



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 12, 2015

TO: Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Mitch Glaser, AICP, Assistant Administrator
Current Planning Division

**LIVING SUITE ORDINANCE – PROJECT NO. R2014-02159-(1-5) – ADVANCE
PLANNING CASE NO. 201400007-(1-5) – FEBRUARY 25, 2015 PUBLIC HEARING –
AGENDA ITEM #6**

BACKGROUND

A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite typically includes a living room with a “kitchenette” (microwave and refrigerator but no stove), a bathroom, and one or more bedrooms. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also have a separate exterior entrance.

Over the last several years, national and regional homebuilders have constructed single-family homes with living suites. For example, Lennar builds and markets these units as “Next Gen: The Home Within a Home” and D.R. Horton builds and markets these units as “Home Share: Two Households. One Home.” Examples are attached for your Commission’s reference. The homebuilders have found these units to be very popular with homebuyers, which is likely to continue as demographic trends make multi-generational families more common. According to a recent analysis of U.S. Census data by the Pew Research Center, 18.1% of the U.S. population lived in multi-generational households in 2012¹.

The Los Angeles County Zoning Code (Zoning Code) does not allow living suites. Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen and Section 22.08.110 of the Zoning Code defines kitchen as “any room or space used, or intended or designed to be used for cooking or the preparation of food.” Therefore, a living suite’s “kitchenette” is considered to be a kitchen although it lacks a stove. By contrast, many other jurisdictions define a kitchen as a room with a stove and

¹ <http://www.pewsocialtrends.org/2014/07/17/in-post-recession-era-young-adults-drive-continuing-rise-in-multi-generational-living/>

a refrigerator, which enables the provision of living suites without stoves in new residences.

Homebuilders are interested in constructing residences with living suites in the unincorporated communities of Los Angeles County. Therefore, the Building Industry Association (BIA) asked the Department of Regional Planning (Department) to investigate this issue and to develop a regulatory framework that would allow units with living suites. The Department met with the BIA in May 2014 to discuss this matter. The Department acknowledged the growing market demand for residences with living suites as well as the demographic changes that are making multi-generational families more common. However, the Department recommended limiting residences with living suites to new planned communities to ensure that such residences are consistent with community character and are provided with sufficient services and infrastructure. New planned communities are typically located in a Residential Planned Development (RPD) Zone.

On September 10, 2014, in accordance with the Department's recommendation, your Commission initiated public hearings to consider an ordinance amending the Zoning Code to allow residences with living suites in new planned communities in the RPD Zone, which already require a Conditional Use Permit (CUP) for development.

PROPOSED ORDINANCE

The proposed ordinance, which is attached for your Commission's reference, would amend five Sections of the Zoning Code, as follows:

1) The definition of "dwelling unit" in Section 22.08.040 of the Zoning Code would be amended to state that a dwelling unit can have only one kitchen or one kitchen and one living suite and to also state that a living suite is not considered to be a separate dwelling unit.

2) A definition of "living suite" with a series of five criteria, including requirements for an interior connection to the remainder of the dwelling unit and size limitations, would be added to Section 22.08.120 of the Zoning Code and the definition would state that a living suite meeting all five criteria is not considered to be a separate dwelling unit.

3) Section 22.20.460 of the Zoning Code would be amended to allow any dwelling unit in a new planned residential development requiring a CUP to have a living suite if approved by the Hearing Officer after the effective date of the proposed ordinance. This Section would also be amended to prohibit the establishment of a second unit on a lot in a residential planned development where a dwelling unit containing a living suite has been constructed.

4) Section 22.52.1180 of the Zoning Code would be amended to require one additional parking space if a dwelling unit contains a living suite and has five or more bedrooms, including any bedrooms within the living suite.

5) Section 22.52.1740 of the Zoning Code would be amended to prohibit the establishment of a second unit on a lot in a residential planned development where a dwelling unit containing a living suite has been constructed.

RELATIONSHIP TO SECOND UNITS AND GUEST HOUSES

Living suites and second units are different housing products. A second unit is a completely separate residence which may be detached from the other residence on the same lot. If a second unit is attached to the other residence on the same lot, it is not required to maintain an interior connection to the other residence. In addition, a second unit has a separate address and a separate electrical meter and is typically rented out to a separate household. A living suite is not a separate residence and must maintain an interior connection to the remainder of the residence. In addition, a living suite does not have a separate address or a separate electrical meter. The Zoning Code states that rooms in a single-family residence may be rented to four or fewer residents, with or without table board, so the Zoning Code does not prohibit rental of a living suite to a separate household. However, homebuilders typically include a rental restriction in the development's Covenants, Conditions, and Restrictions ("CC&R"s).

The Zoning Code also allows "detached living quarters," more commonly known as guest houses. A guest house and a living suite are similar in that both types of uses can accommodate temporary guests. However, there are also substantial distinctions between a guest house and a living suite. A guest house must be located in an accessory structure that is detached from the residence on the same lot, whereas a living suite cannot be located in an accessory structure and must maintain an interior connection the remainder of the residence. In addition, a guest house cannot have a kitchen, whereas a living suite may have a kitchen.

The Zoning Code does not allow a second unit to be established on a lot where detached living quarters have already been established. Staff recommends that this policy be extended to lots where residences with living suites have already been established. Therefore, the proposed ordinance includes provisions that would not allow a second unit to be established on a lot where a residence with a living suite has already been established. California Government Code Section 65852.2(c) states, "No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance." The proposed ordinance does not totally

preclude second units within the RPD Zone. While the proposed ordinance would preclude second units on lots where residences with living suites have already been established, the intent of the proposed ordinance is to increase housing opportunities in the region by allowing a new housing product type that is desired by the home-buying market, especially multigenerational households. The proposed ordinance would allow homebuilders to decide whether to design homes with living suites or to utilize existing avenues to develop second units. Therefore, the findings required by Government Code 65852.2 are not required.

GENERAL PLAN CONSISTENCY

Staff has determined that the proposed ordinance is consistent with the adopted Los Angeles County General Plan. Specifically, the proposed ordinance supports the following policies and goal:

- **General Policy 43:** Promote a balanced mix of dwelling unit types to meet present and future needs, with emphasis on family owned, moderate density dwelling units (townhomes, townhouses and garden condominiums at garden apartment densities).
- **General Policy 47:** Promote the provision of an adequate supply of housing by location, type and price.
- **Housing Element Goal 1:** A wide range of housing types in sufficient supply to meet the needs of current and future residents, particularly for persons with special needs, including but not limited to low income households, seniors, persons with disabilities, large households, single-parent households, the homeless and at risk of homelessness, and farmworkers.

ENVIRONMENTAL ANALYSIS

Adoption of the proposed ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the proposed ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time.

This determination is supported by the following analysis:

The ordinance does not propose or authorize any development. The proposed project is an ordinance and is not a development project. The ordinance does not authorize any additional "by right" uses. The development of dwelling units with living suites in accordance with the proposed ordinance will require a subsequent CUP. Therefore the ordinance will not result in any direct physical change in the environment.

The number, location, specific characteristics and environmental impacts of CUP requests for new planned communities are reasonably unforeseeable at this time.

There may be indirect physical changes to the environment in conjunction with the subsequent development of residential planned developments in the RPD Zone. Section 22.20.460 of the Zoning Code requires a CUP for residential planned developments in the RPD Zone and the ordinance will not change this requirement. At this time, the number, location, specific characteristics and environmental impacts of CUP requests are reasonably unforeseeable due to the following factors:

- Existing RPD Zones are developed pursuant to previously approved CUPs for residential planned developments or are undeveloped with pending or previous approved CUPs for residential planned developments;
- Future RPD Zones can be established in any land use designation that allows residential uses; and
- The RPD Zone allows a wide range of residential uses with a CUP.

The number, location, and specific characteristics of future CUP requests will largely depend on economic market factors. The environmental impacts of future CUP requests will depend on the characteristics of the location that is the subject of such requests. For example, environmental impacts for an "infill" residential planned development in an urbanized area will be different than environmental impacts for a "greenfield" residential planned developed development in an undeveloped area. Therefore, any attempt to analyze indirect physical changes would be speculative.

A new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites. There may be indirect physical changes to the environment in conjunction with the subsequent development of residential planned developments in the RPD Zone. Section 22.20.460 of the Zoning Code requires a CUP for residential planned developments and the ordinance will not change this requirement. A CUP is a discretionary action that requires project-level CEQA review. The ordinance, which allows new planned communities in the RPD Zone to include dwelling units with living suites provided that a CUP is obtained, does not eliminate the need for project-level CEQA review.

The ordinance does not involve any commitment to any specific project that may have a significant effect on the environment. Future CUP requests will require project-level CEQA review to determine potential impacts. The ordinance does not preclude the County from denying a future CUP request that may have a significant effect on the environment.

PUBLIC NOTIFICATION AND COMMENTS

Public hearing notices were sent to 185 individuals and organizations throughout Los Angeles County who previously signed up for the Department's courtesy mailing list. A copy of the public hearing notice and proposed ordinance were also sent to six public

libraries throughout Los Angeles County. A legal advertisement was published in *The Signal*, a newspaper of general circulation, on January 21, 2015. Case information was also posted to the Department's web site at <http://planning.lacounty.gov//case/view/r2014-02159/>. As of the date of this staff report, no public comments have been received.

STAFF RECOMMENDATION

Staff recommends that your Commission close the public hearing, find that the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines, adopt the attached resolution recommending adoption of the proposed ordinance by the Board of Supervisors, and forward the proposed ordinance to the Board of Supervisors for consideration in a public hearing.

RECOMMENDED MOTION

I move that the Regional Planning Commission close the public hearing, find that the project is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines, adopt the resolution recommending adoption of the proposed ordinance by the Board of Supervisors, and forward the proposed ordinance to the Board of Supervisors for consideration in a public hearing.

If you have any questions, you may contact me at mglaser@planning.lacounty.gov or (213) 974-4971 Monday through Thursday.

MWG:mwg

Attachments:

1. Examples of Living Suites
2. Proposed Ordinance
3. Resolution for Commission Adoption



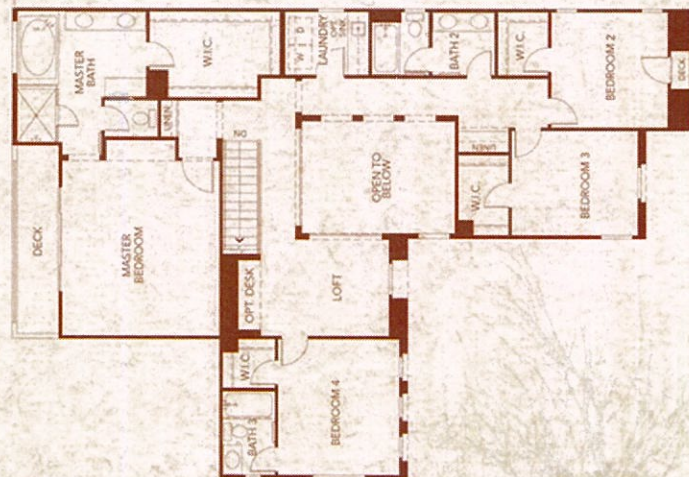
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RESIDENCE 3530 OCEC QUENISTON

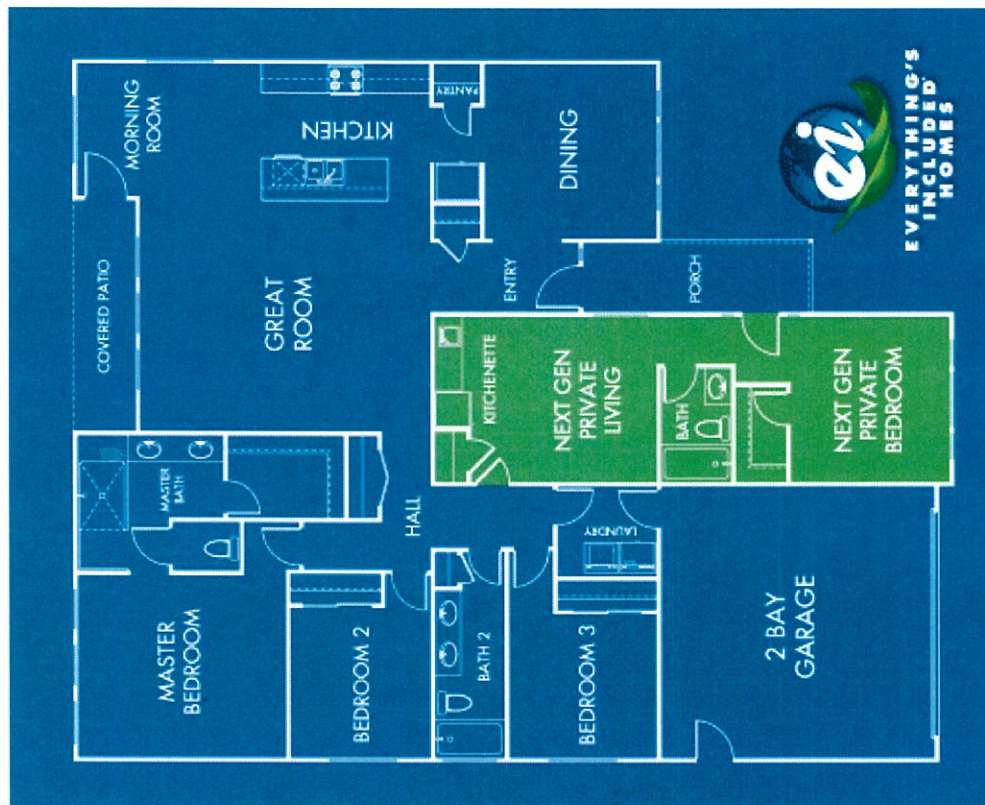
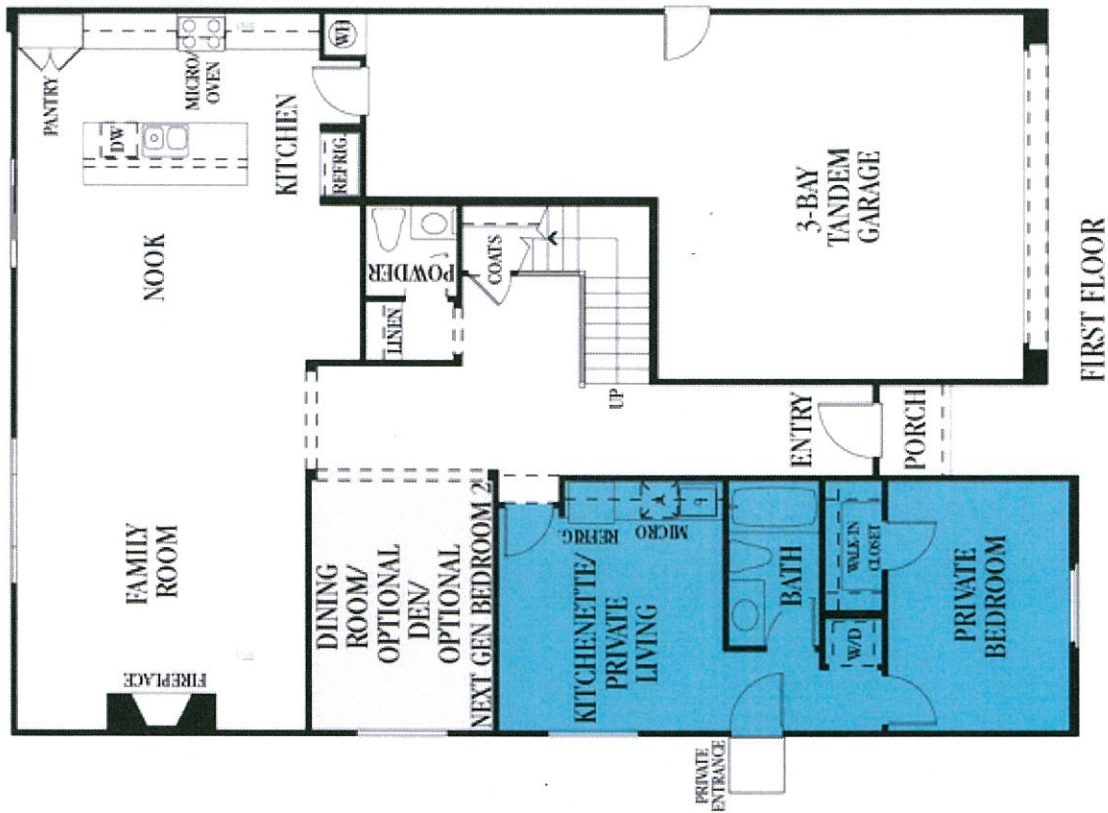
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SUITE INCLUDES:
PRIVATE ENTRY
LIVING ROOM
BEDROOM WITH WALK-IN-CLIPSET
HALL
FULL BATH
KITCHENETTE
WASHER & DRYER SPACE



SECOND FLOOR

[illegible]



ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the addition of regulations concerning living suites.

SECTION 1. Section 22.08.040 is hereby amended as follows:

...

— "Dwelling unit" means:

A. One or more rooms in a building or portion thereof designed, intended to be used or used for occupancy by one family for living and sleeping quarters and containing:

1. Only one kitchen; or

2. One kitchen and one living suite.

~~"Dwelling unit" also includes:~~

AB. One or more habitable rooms within a mobilehome which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation; ~~and,~~

BC. Any room used for sleeping accommodations which contains a bar sink and/or gas, electrical or water outlets designed, used or intended to be used for cooking facilities ~~except other than:~~

1. A guest room or guest suite in a hotel specifically approved by conditional use permit pursuant to the provisions of this Title 22; or

2. A living suite.

...

SECTION 2. Section 22.08.120 is hereby amended as follows:

...

— “Living suite” means a room or a series of connected rooms within a dwelling unit which contains its own kitchen and meets all of the following criteria:

A. The room or series of connected rooms contains at least one interior connection, such as a door or other passageway, permitting access between the room or series of connected rooms and the remainder of the dwelling unit in which the room or series of connected rooms is contained;

B. The room or series of connected rooms does not exceed 25 percent of the gross floor area of the dwelling unit in which the room or series of connected rooms is contained;

C. The room or series of connected rooms does not exceed 1,000 square feet in total floor area;

D. The room or series of connected rooms was approved as a “living suite” by the Director or a Hearing Officer, as the case may be, pursuant to the provisions of this Title 22; and

E. The dwelling unit in which the room or series of connected rooms is contained does not contain any other “living suite” approved by the Director or a Hearing Officer, as the case may be, pursuant to the provisions of this Title 22.

A “living suite” which meets these criteria shall not be considered its own dwelling unit and shall be considered part of the dwelling unit in which it is contained but it may contain an exterior entrance accessible only from the living suite.

...

SECTION 3. Section 22.20.460 is hereby amended to read as follows:

22.20.460 Uses and development standards.

Property in Zone RPD may be used for:

...

B. If a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, property in Zone RPD may be used for a new planned residential development, including a mobilehome park, subject to approval by the hearing officer, which will afford the same or lesser density of population or intensity of use than is specified in the zone.

...

3. Type of Structures.

Dwelling units may be in single-family detached, two-family, townhouse, or ~~multiple-residential~~ apartment house structures, or they may be mobilehomes as defined in this Title 22 or factory-built houses as defined in the Health and Safety Code of the state, depending upon adjacent development and the compensating features of the development plan. Any dwelling unit within such structures may include a living suite if approved by the Hearing Officer pursuant to the provisions of this Title 22 after the effective date of the ordinance that added the definition of "living suite" to Section 22.08.120.

...

C. Second Units. Second units within an existing planned residential development, except where prohibited by Section 22.52.1720 or by Section 22.52.1740.F, and subject to the provisions of Part 16 of Chapter 22.52.

...

SECTION 4. Section 22.52.1180 is hereby amended to read as follows:

22.52.1180 Residential uses.

A. Every single-family residence, two-family residence, apartment house and other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit shall have automobile parking as specified herein:

...

3. If a dwelling unit contains a living suite, and has five or more bedrooms, including any bedrooms within the living suite, one additional covered or uncovered parking space for such dwelling unit shall be provided. The additional covered or uncovered parking space may be developed in tandem with another parking space required or reserved for the dwelling unit which contains the living suite.

...

SECTION 5. Section 22.52.1740 is hereby amended to read as follows:

22.52.1740 Use Restrictions.

The following restrictions shall apply to the development of a second unit:

...

F. A second unit shall not be permitted on a lot or parcel of land where there exists any of the following:

1. A mobilehome or residence for use by a caretaker, as defined in Section 22.08.030, and the caretaker's immediate family;
2. A senior citizen residence, as defined in Section 22.08.180; ~~or~~
3. Detached living quarters, as defined in Section 22.08.040; or
4. A living suite, as defined in Section 22.08.120.

**RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02159-(1-5)
ADVANCE PLANNING CASE NO. 201400007-(1-5)
LIVING SUITE ORDINANCE**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has reviewed the matter of an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and

WHEREAS, the Regional Planning Commission finds as follows:

1. A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite typically includes a living room with a "kitchenette" (microwave and refrigerator but no stove), a bathroom, and one or more bedrooms. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also have a separate exterior entrance.
2. Over the last several years, national and regional homebuilders have constructed single-family homes with living suites. The homebuilders have found these units to be very popular with homebuyers, which is likely to continue as demographic changes make multi-generational families more common.
3. The Los Angeles County Zoning Code (Zoning Code) does not allow living suites. Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen and Section 22.08.110 of the Zoning Code defines kitchen as "any room or space used, or intended or designed to be used for cooking or the preparation of food."
4. Homebuilders are interested in constructing residences with living suites in the unincorporated communities of Los Angeles County. In 2014, the Building Industry Association asked the Department of Regional Planning (Department) to investigate the issue and to develop a regulatory framework that would allow units with living suites.
5. After investigating the issue, the Department acknowledged the growing market demand for residences with living suites as well as the demographic changes that are making multi-generational families more common. However, the Department recommended limiting residences with living suites to new planned communities, to ensure such residences are consistent with community character and are provided with sufficient services and infrastructure.

6. On September 10, 2014, in accordance with the Department's recommendation, the Regional Planning Commission initiated public hearings to consider an ordinance amending the Zoning Code to allow residences with living suites in new planned communities in the Residential Planned Development (RPD) Zone, which already require a Conditional Use Permit (CUP) for development.
7. The ordinance amends the definition of "dwelling unit" in Section 22.08.040 of the Zoning Code; adds a definition of "living suite" to Section 22.080.120 of the Zoning Code; amends the permitted uses for the RPD Zone in Section 22.40.460 of the Zoning Code; amends the parking requirements for dwelling units in Section 22.52.1180 of the Zoning Code; and amends the second unit use restrictions in Section 22.52.1740 of the Zoning Code, all for the purposes of allowing the development of living suits for new planned communities in the RPD Zone, subject to a CUP.
8. The ordinance would authorize the construction of living suites only for *new* planned developments proposed after the effective date of the ordinance.
9. The ordinance includes provisions that would not allow a second unit to be established on a lot where a residence with a living suite has already been established. California Government Code Section 65852.2(c) states, "No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance." The proposed ordinance does not totally preclude second units within the RPD Zone. While the proposed ordinance would preclude second units on lots where residences with living suites have already been established, the intent of the proposed ordinance is to increase housing opportunities in the region by allowing a new housing product type that is desired by the home-buying market, especially multigenerational households. The proposed ordinance would allow homebuilders to decide whether to design homes with living suites or to utilize existing avenues to develop second units. Therefore, the findings required by Government Code Section 65852.2 are not required.
10. The ordinance is consistent with the adopted Los Angeles County General Plan.
11. Adoption of the proposed ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the

ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time. The ordinance does not propose or authorize any development; the number, location, specific characteristics and environmental impacts of CUP requests for new planned communities are reasonably unforeseeable at this time; a new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites; and the ordinance does not involve any commitment to any specific project that may have a significant effect on the environment.

12. The public was appropriately notified of the public hearing. Public hearing notices were sent to 185 individuals and organizations throughout Los Angeles County who previously signed up for the Department's courtesy mailing list. A copy of the public hearing notice and proposed ordinance were also sent to six public libraries throughout Los Angeles County. A legal advertisement was published in *The Signal*, a newspaper of general circulation, on January 21, 2015. Case information was also posted to the Department's web site at <http://planning.lacounty.gov/case/view/r2014-02159/>.

NOW, THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends that the Los Angeles County Board of Supervisors:

1. Conduct a public hearing to consider an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and
2. Certify that adoption of the ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
3. Adopt the attached ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on February 25, 2015.

By: _____
Rosie O. Ruiz, Commission Secretary
Regional Planning Commission
County of Los Angeles

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By: _____
Joseph M. Nicchitta, Deputy County Counsel
Property Division

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: February 25, 2015



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 25, 2015

TO: Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Mitch Glaser, AICP, Assistant Administrator
Current Planning Division

**LIVING SUITE ORDINANCE – PROJECT NO. R2014-02159-(1-5) – ADVANCE
PLANNING CASE NO. 201400007-(1-5) – FEBRUARY 25, 2015 PUBLIC HEARING –
AGENDA ITEM #6 – SUPPLEMENTAL MATERIALS**

A revised resolution is attached for your consideration. Revisions to finding #9 are shown in “track changes” format.

MWG:mwg

**RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02159-(1-5)
ADVANCE PLANNING CASE NO. 201400007-(1-5)
LIVING SUITE ORDINANCE**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has reviewed the matter of an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and

WHEREAS, the Regional Planning Commission finds as follows:

1. A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite typically includes a living room with a "kitchenette" (microwave and refrigerator but no stove), a bathroom, and one or more bedrooms. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also have a separate exterior entrance.
2. Over the last several years, national and regional homebuilders have constructed single-family homes with living suites. The homebuilders have found these units to be very popular with homebuyers, which is likely to continue as demographic changes make multi-generational families more common.
3. The Los Angeles County Zoning Code (Zoning Code) does not allow living suites. Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen and Section 22.08.110 of the Zoning Code defines kitchen as "any room or space used, or intended or designed to be used for cooking or the preparation of food."
4. Homebuilders are interested in constructing residences with living suites in the unincorporated communities of Los Angeles County. In 2014, the Building Industry Association asked the Department of Regional Planning (Department) to investigate the issue and to develop a regulatory framework that would allow units with living suites.
5. After investigating the issue, the Department acknowledged the growing market demand for residences with living suites as well as the demographic changes that are making multi-generational families more common. However, the Department recommended limiting residences with living suites to new planned communities, to ensure such residences are consistent with community character and are provided with sufficient services and infrastructure.

6. On September 10, 2014, in accordance with the Department's recommendation, the Regional Planning Commission initiated public hearings to consider an ordinance amending the Zoning Code to allow residences with living suites in new planned communities in the Residential Planned Development (RPD) Zone, which already require a Conditional Use Permit (CUP) for development.
7. The ordinance amends the definition of "dwelling unit" in Section 22.08.040 of the Zoning Code; adds a definition of "living suite" to Section 22.080.120 of the Zoning Code; amends the permitted uses for the RPD Zone in Section 22.40.460 of the Zoning Code; amends the parking requirements for dwelling units in Section 22.52.1180 of the Zoning Code; and amends the second unit use restrictions in Section 22.52.1740 of the Zoning Code, all for the purposes of allowing the development of living suites for new planned communities in the RPD Zone, subject to a CUP.
8. The ordinance would authorize the construction of living suites only for *new* planned developments proposed after the effective date of the ordinance.
9. The ordinance includes provisions that would not allow a second unit to be established on a lot where a residence with a living suite has already been established. California Government Code Section 65852.2(c) states, "No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance." The proposed ordinance does not totally preclude second units within the RPD Zone. While the proposed ordinance would preclude second units on lots where residences with living suites have already been established, the intent of the proposed ordinance is to increase housing opportunities in the region by allowing a new housing product type that is desired by the home-buying market, especially multigenerational households. The proposed ordinance would allow homebuilders to decide whether to design homes with living suites or to utilize existing avenues to develop second units. In addition, a living suite and a second unit have similar impacts pertaining to water supply, sewage disposal, and traffic. The proposed restriction is similar to an existing Zoning Code provision that precludes second units on lots where detached living quarters, which also have similar impacts, have already been established. Therefore, the findings required by Government Code Section 65852.2 are not required.
10. The ordinance is consistent with the adopted Los Angeles County General Plan.

11. Adoption of the proposed ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time. The ordinance does not propose or authorize any development; the number, location, specific characteristics and environmental impacts of CUP requests for new planned communities are reasonably unforeseeable at this time; a new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites; and the ordinance does not involve any commitment to any specific project that may have a significant effect on the environment.
12. The public was appropriately notified of the public hearing. Public hearing notices were sent to 185 individuals and organizations throughout Los Angeles County who previously signed up for the Department's courtesy mailing list. A copy of the public hearing notice and proposed ordinance were also sent to six public libraries throughout Los Angeles County. A legal advertisement was published in *The Signal*, a newspaper of general circulation, on January 21, 2015. Case information was also posted to the Department's web site at <http://planning.lacounty.gov/case/view/r2014-02159/>.

NOW, THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends that the Los Angeles County Board of Supervisors:

1. Conduct a public hearing to consider an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and
2. Certify that adoption of the ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
3. Adopt the attached ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on February 25, 2015.

By: _____
Rosie O. Ruiz, Commission Secretary
Regional Planning Commission
County of Los Angeles

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By: _____
Joseph M. Nicchitta, Deputy County Counsel
Property Division

VOTE

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: February 25, 2015

ATTACHMENT 5

RPC Resolution

**RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2014-02159-(1-5)
ADVANCE PLANNING CASE NO. 201400007-(1-5)
LIVING SUITE ORDINANCE**

WHEREAS, the Regional Planning Commission of the County of Los Angeles has reviewed the matter of an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and

WHEREAS, the Regional Planning Commission finds as follows:

1. A living suite is a portion of a residence that provides flexible living arrangements for the household which occupies the residence. A living suite typically includes a living room with a "kitchenette" (microwave and refrigerator but no stove), a bathroom, and one or more bedrooms. A living suite includes an interior connection (typically a door) to the remainder of the residence and may also have a separate exterior entrance.
2. Over the last several years, national and regional homebuilders have constructed single-family homes with living suites. The homebuilders have found these units to be very popular with homebuyers, which is likely to continue as demographic changes make multi-generational families more common.
3. The Los Angeles County Zoning Code (Zoning Code) does not allow living suites. Section 22.08.040 of the Zoning Code states that a dwelling unit can only have one kitchen and Section 22.08.110 of the Zoning Code defines kitchen as "any room or space used, or intended or designed to be used for cooking or the preparation of food."
4. Homebuilders are interested in constructing residences with living suites in the unincorporated communities of Los Angeles County. In 2014, the Building Industry Association asked the Department of Regional Planning (Department) to investigate the issue and to develop a regulatory framework that would allow units with living suites.
5. After investigating the issue, the Department acknowledged the growing market demand for residences with living suites as well as the demographic changes that are making multi-generational families more common. However, the Department recommended limiting residences with living suites to new planned communities, to ensure such residences are consistent with community character and are provided with sufficient services and infrastructure.


6. On September 10, 2014, in accordance with the Department's recommendation, the Regional Planning Commission initiated public hearings to consider an ordinance amending the Zoning Code to allow residences with living suites in new planned communities in the Residential Planned Development (RPD) Zone, which already require a Conditional Use Permit (CUP) for development.
7. The ordinance amends the definition of "dwelling unit" in Section 22.08.040 of the Zoning Code; adds a definition of "living suite" to Section 22.080.120 of the Zoning Code; amends the permitted uses for the RPD Zone in Section 22.40.460 of the Zoning Code; amends the parking requirements for dwelling units in Section 22.52.1180 of the Zoning Code; and amends the second unit use restrictions in Section 22.52.1740 of the Zoning Code, all for the purposes of allowing the development of living suites for new planned communities in the RPD Zone, subject to a CUP.
8. The ordinance would authorize the construction of living suites only for *new* planned developments proposed after the effective date of the ordinance.
9. The ordinance includes provisions that would not allow a second unit to be established on a lot where a residence with a living suite has already been established. California Government Code Section 65852.2(c) states, "No local agency shall adopt an ordinance which totally precludes second units within single-family or multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance." The proposed ordinance does not totally preclude second units within the RPD Zone. While the proposed ordinance would preclude second units on lots where residences with living suites have already been established, the intent of the proposed ordinance is to increase housing opportunities in the region by allowing a new housing product type that is desired by the home-buying market, especially multigenerational households. The proposed ordinance would allow homebuilders to decide whether to design homes with living suites or to utilize existing avenues to develop second units. In addition, a living suite and a second unit have similar impacts pertaining to water supply, sewage disposal, and traffic. The proposed restriction is similar to an existing Zoning Code provision that precludes second units on lots where detached living quarters, which also have similar impacts, have already been established. Therefore, the findings required by Government Code Section 65852.2 are not required.
10. The ordinance is consistent with the adopted Los Angeles County General Plan.

11. Adoption of the proposed ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because there is no possibility that adoption of the ordinance may have a significant effect on the environment. Adoption of the ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time. The ordinance does not propose or authorize any development; the number, location, specific characteristics and environmental impacts of CUP requests for new planned communities are reasonably unforeseeable at this time; a new planned community is subject to project-level CEQA review regardless of whether dwelling units in the new planned community include living suites; and the ordinance does not involve any commitment to any specific project that may have a significant effect on the environment.
12. The public was appropriately notified of the public hearing. Public hearing notices were sent to 185 individuals and organizations throughout Los Angeles County who previously signed up for the Department's courtesy mailing list. A copy of the public hearing notice and proposed ordinance were also sent to six public libraries throughout Los Angeles County. A legal advertisement was published in *The Signal*, a newspaper of general circulation, on January 21, 2015. Case information was also posted to the Department's web site at <http://planning.lacounty.gov/case/view/r2014-02159/>.

NOW, THEREFORE, BE IT RESOLVED THAT the Regional Planning Commission recommends that the Los Angeles County Board of Supervisors:

1. Conduct a public hearing to consider an ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code to establish regulations concerning living suites; and
2. Certify that adoption of the ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
3. Adopt the attached ordinance amending Title 22 (Planning and Zoning) of the Los Angeles County Code and determine that it is compatible with and supportive of the goals and policies of the Los Angeles County General Plan.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission on February 25, 2015.

By: 
Rosie O. Ruiz, Commission Secretary
Regional Planning Commission
County of Los Angeles

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By: 
Joseph M. Nicchitta, Deputy County Counsel
Property Division

VOTE

Concurring: Commissioners Valadez, Louie, Pedersen, and Modugno

Dissenting: None

Abstaining: None

Absent: None

Action Date: February 25, 2015

ATTACHMENT 6

Recommended Ordinance for Board Adoption

ORDINANCE NO. _____

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the addition of regulations concerning living suites.

SECTION 1. Section 22.08.040 is hereby amended as follows:

...

— "Dwelling unit" means:

A. One or more rooms in a building or portion thereof designed, intended to be used or used for occupancy by one family for living and sleeping quarters and containing:

1. Only one kitchen; or

2. One kitchen and one living suite.

~~"Dwelling unit" also includes:~~

~~AB. One or more habitable rooms within a mobilehome which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation; and~~

~~BC. Any room used for sleeping accommodations which contains a bar sink and/or gas, electrical or water outlets designed, used or intended to be used for cooking facilities except~~other than:

1. A guest room or guest suite in a hotel specifically approved by conditional use permit pursuant to the provisions of this Title 22; or

2. A living suite.

...

SECTION 2. Section 22.08.120 is hereby amended as follows:

...

— “Living suite” means a room or a series of connected rooms within a dwelling unit which contains its own kitchen and meets all of the following criteria:

A. The room or series of connected rooms contains at least one interior connection, such as a door or other passageway, permitting access between the room or series of connected rooms and the remainder of the dwelling unit in which the room or series of connected rooms is contained;

B. The room or series of connected rooms does not exceed 25 percent of the gross floor area of the dwelling unit in which the room or series of connected rooms is contained;

C. The room or series of connected rooms does not exceed 1,000 square feet in total floor area;

D. The room or series of connected rooms was approved as a “living suite” by the Director or a Hearing Officer, as the case may be, pursuant to the provisions of this Title 22; and

E. The dwelling unit in which the room or series of connected rooms is contained does not contain any other “living suite” approved by the Director or a Hearing Officer, as the case may be, pursuant to the provisions of this Title 22.

A “living suite” which meets these criteria shall not be considered its own dwelling unit and shall be considered part of the dwelling unit in which it is contained but it may contain an exterior entrance accessible only from the living suite.

...

SECTION 3. Section 22.20.460 is hereby amended to read as follows:

22.20.460 Uses and development standards.

Property in Zone RPD may be used for:

...

B. If a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56, property in Zone RPD may be used for a new planned residential development, including a mobilehome park, subject to approval by the hearing officer, which will afford the same or lesser density of population or intensity of use than is specified in the zone.

...

3. Type of Structures.

Dwelling units may be in single-family detached, two-family, townhouse, or ~~multiple-residential~~ apartment house structures, or they may be mobilehomes as defined in this Title 22 or factory-built houses as defined in the Health and Safety Code of the state, depending upon adjacent development and the compensating features of the development plan. Any dwelling unit within such structures may include a living suite if approved by the Hearing Officer pursuant to the provisions of this Title 22 after the effective date of the ordinance that added the definition of "living suite" to Section 22.08.120.

...

C. Second Units. Second units within an existing planned residential development, except where prohibited by Section 22.52.1720 or by Section 22.52.1740.F, and subject to the provisions of Part 16 of Chapter 22.52.

...

SECTION 4. Section 22.52.1180 is hereby amended to read as follows:

22.52.1180 Residential uses.

A. Every single-family residence, two-family residence, apartment house and other structure designed for or intended to be used as a dwelling on a lot or parcel of land having an area of less than one acre per dwelling unit shall have automobile parking as specified herein:

...

3. If a dwelling unit contains a living suite, and has five or more bedrooms, including any bedrooms within the living suite, one additional covered or uncovered parking space for such dwelling unit shall be provided. The additional covered or uncovered parking space may be developed in tandem with another parking space required or reserved for the dwelling unit which contains the living suite.

...

SECTION 5. Section 22.52.1740 is hereby amended to read as follows:

22.52.1740 Use Restrictions.

The following restrictions shall apply to the development of a second unit:

...

F. A second unit shall not be permitted on a lot or parcel of land where there exists any of the following:

1. A mobilehome or residence for use by a caretaker, as defined in Section 22.08.030, and the caretaker's immediate family;
2. A senior citizen residence, as defined in Section 22.08.180; ~~or~~
3. Detached living quarters, as defined in Section 22.08.040; or
4. A living suite, as defined in Section 22.08.120.

ATTACHMENT 7

Board Notice of Public Hearing



PUBLIC NOTICES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Patrick Ogawa, Acting Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

NOTICE OF PUBLIC HEARING CONCERNING
LIVING SUITE ORDINANCE
PROJECT NO. R2014-02159-(All Districts)
ADVANCE PLANNING NO. 2014-00007-(All Districts)

Notice is hereby given that the Board of Supervisors will conduct a public hearing on the project referenced above on **Tuesday, July 28, 2015 at 9:30 a.m.**, in Room 381B of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Interested persons will be given an opportunity to testify.

The Regional Planning Commission previously conducted a public hearing on the project on February 25, 2015, and recommended approval of the project.

Location:

The proposed Living Suite Ordinance would apply to the unincorporated communities of the County.

Proposal:

A proposed ordinance amending Title 22 - Planning and Zoning, to establish regulations concerning living suites. A living suite is a portion of a residence with one additional kitchen that provides flexible living arrangements for the household which occupies the residence. Pursuant to the proposed ordinance, living suites could be included in dwelling units only in new residential planned developments requiring a Conditional Use Permit within the Residential Planned Development (RPD) Zone. The proposed ordinance would: amend the definition of "dwelling unit" in Section 22.08.040; add a definition for "living suite" to Section 22.08.120; amend the permitted uses for the RPD Zone in Section 22.20.460; amend the parking requirements for dwelling units in Section 22.52.1180; and amend the second unit use restrictions in Section 22.52.1740. This project has been determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines because adoption of the ordinance will not result in any direct physical change in the environment and will not result in any indirect physical change in the environment that is reasonably foreseeable at this time.

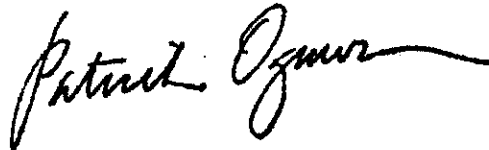
Contact the Department of Regional Planning, **Mitch Glaser** at **(213) 974-4971** between 7:30 a.m. and 5:30 p.m., Monday through Thursday (office is closed Fridays) or at mglaser@planning.lacounty.gov directly for any questions or additional information. Callers from North County areas may dial (661) 272-0964 or (661) 253-0111 toll free and ask to be connected to (213) 974-4876. Selected materials are available at <http://planning.lacounty.gov/energy>. **Si necesita más información en Español, por favor llame al (213) 974-6466.**

If you are unable to attend the public hearing, written documents in favor or opposed to the project may be submitted to the Zoning Section, Executive Office of the Board of Supervisors, Room 383, 500 West Temple Street, Los Angeles, CA 90012 or PublicHearing@bos.lacounty.gov. Indicate the Project No. in the "Subject". Please call the Board Services Division, Zoning Section at (213) 974-1426 for questions regarding this hearing.

Assistive listening devices, agenda in Braille and/or alternate formats are available upon request. American Sign Language (ASL) interpreters, other auxiliary aids and services, or reasonable accommodations, such as to request a disability-related accommodation to address the Board, are available, if requested at least three business days prior to the Board meeting. Later requests will be accommodated to the extent feasible. Please contact the Executive Office of the Board at (213) 974-1411 or (213) 974-1707 (TTY), from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Translation devices are available in Spanish upon request. For other languages, please contact the Customer Service Center for assistance at least three business days prior to the hearing at (213) 974-1411 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Máquinas de traducción están disponibles a petición. Si necesita intérprete para las juntas de los Supervisores del Condado de Los Angeles, por favor llame al (213) 974-1426 de 8:00 a.m. a 5:00 p.m., de lunes a viernes, con tres días de anticipación.



PATRICK OGAWA
ACTING EXECUTIVE OFFICER OF THE
BOARD OF SUPERVISORS

